

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BRADLEY B MILLER,

Plaintiff,

v.

VIRGINIA TALLEY DUNN,

Defendant.

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Civil Action No. 3:23-CV-01696-E-BN

ORDER

Twenty-eight days after the Court immediately remanded this proceeding back to the 330th Judicial District Court of Dallas County, TX DF-13-02616, (ECF Nos. 35; 35-1), Plaintiff Miller a motion requesting relief under Federal Rule of Civil Procedure Rule 59(e). (ECF No. 36). Rule 59(e) “is ‘an extraordinary remedy that should be used sparingly.’” *Rollins v. Home Depot USA*, 8 F.4th 393, 396 (5th Cir. 2021) (quoting *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004)).

Miller fails to show a basis for his various requested remedies. Controlling law has not changed since the Court entered judgment; he presents no newly discovered evidence that could question the correctness of the judgment; nor does Miller show that the Court need correct a manifest error of law or fact. *See Rollins*, 8 F.4th at 396; *Demahy*, 702 F.3d at 182.¹ In sum, Miller

¹ The Court made a typographical error on the first page of the opinion as to the date of the removal. (ECF No. 35 at 1) (referencing ECF No. 3). As indicated in, (ECF No. 3), the removal occurred on July 31, 2023—not June 26, 2023. Of course, the opinion later discusses the correct date of removal as July 31, 2023. (ECF No. 35 at 3) (“The SAPCR Proceeding docket reflects a bench trial was to occur before Judge Andrea Plumlee on July 31, 2023 at 9:00 a.m.—the same date of Miller’s notice of removal.”). The date of the removal is not outcome determinative, and Miller raises no argument that the removal date is outcome determinative.

offers no compelling reason to reconsider the Court's remand of this lawsuit. The Rule 59(e) motion is therefore DENIED. (ECF No. 36).

SO ORDERED.

5th day of November, 2024.

A handwritten signature in black ink, appearing to read 'Ada Brown', written over a horizontal line.

ADA BROWN
UNITED STATES DISTRICT JUDGE